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THE RIGHT TO DEVELOPMENT

Report of the High Commissioner for Human Rights submitted in accordance with Commission on Human Rights resolution 1998/72

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Introduction

1. In its resolution 1998/72, the Commission on Human Rights decided to recommend to the Economic and Social Council the establishment of a follow-up mechanism to the 1986 Declaration on the Right to Development, initially for a period of three years, consisting of an open-ended working group and an independent expert appointed by the Chairman of the Commission on Human Rights. It also invited the High Commissioner for Human Rights to present a report for its consideration each year for the duration of the mechanism, to provide interim reports to the working group and to make these reports available to the independent expert, in each case covering:

(a) The activities of her Office relating to the implementation of the right to development as contained in the High Commissioner's mandate;

(b) The implementation of resolutions of the Commission and the General Assembly with regard to the right to development;

(c) Interagency coordination within the United Nations system for the implementation of relevant resolutions of the Commission.

2. The present report follows the above-mentioned structure.

3. Information about the implementation of the right to development and problems related thereto can also be found in the report of the High Commissioner for Human Rights on the implementation of the Vienna Declaration and Programme of Action to the General Assembly at its fifty-third session (A/53/372); the report of the Secretary-General on coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action, submitted to the Economic and Social Council at its substantive session in July 1998 (E/1998/60); and the report of the High Commissioner for Human Rights on the implementation of the Vienna Declaration and Programme of Action submitted to the Commission on Human Rights at its fifty-fifth session (E/CN.4/1999/9).

I. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS RELATING TO THE IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT AS CONTAINED IN HER MANDATE

4. Pursuant to General Assembly resolution 48/141, the High Commissioner for Human Rights has specific responsibility for the promotion, protection and the realization of the right to development and the enhancement of support from relevant bodies of the United Nations system for this purpose. However, taking into account the overall relevance of the right to development to all human rights, the High Commissioner assumes other responsibilities in connection with this right.

5. The Office of the High Commissioner for Human Rights (OHCHR) attaches particular importance to catalysing promotion and implementation of the right to development by Governments, United Nations agencies and programmes, other international organizations, civil society, and the corporate sector. Only the involvement of all partners can produce tangible results.

6. For a long time, the notion of "civil society" in the area of human rights was identified with non-governmental organizations and academic institutions. At present, with the advance of technology and globalization processes determining to a large extent the living conditions of individual societies, it is of vital importance that the corporate sector take fully into account in its activities the dignity and rights of the human being. United Nations human rights organs and bodies have been drawing the attention of the intergovernmental financial institutions to the human rights dimension of development. While respecting international human rights standards, the corporate sector should also identify its role in the promotion of a human-centred sustainable development at the global level. OHCHR is ready to assist this process.

7. OHCHR has been involved in the following activities, inter alia:

(a) The United Nations Development Assistance Framework (UNDAF) is the centre-piece of United Nations development cooperation at the country level and is intended to serve as a process of ongoing United Nations teamwork, responsive to countries development priorities. As a contribution to this process, OHCHR provided the right to development component of a training session for UNDAF focal points/hotlines (Rome, 30-31 March 1998), including the issue of indicators and benchmarks.

(b) While the pilot phase of UNDAF was being tested in the field, OHCHR responded positively to a request by UNDP/Bamako (Mali) to participate in the mission of the Secretary-General on small arms disarmament in the sahelian sub-region, with a view to serving as facilitator in the process leading to the formulation and adoption by the Government of Mali of a code of conduct for the armed and security forces.

(c) OHCHR is responsible for chairing the United Nations Development Group (UNDG) ad hoc group on the right to development, whose mandate is to develop: (i) a common UNDG approach for enhancing the human rights dimension in development activities; (ii) a matrix outlining specific human rights goals for UNDG as a whole, as well as for individual UNDG members, including benchmarks and terms of accountability; (iii) a training module for UNDG staff on the right to development and its implications for development operations.

(d) OHCHR, UNDP and the Government of Norway jointly organized in Oslo on 2 and 3 October 1998 the Symposium on Human Rights and Human Development, which focussed on the right approach to developmental issues. Its outcome should enhance the reflection on indicators and benchmarks as tools for measuring the impact of developmental activities on the full enjoyment of human rights.

(e) In 1999, OHCHR plans to organize two regional seminars on the right to development, in Latin America and in Africa. The Caribbean and Asia will be covered in the year 2000. The independent expert on the right to development will be invited to attend these meetings.

(f) At the beginning of 1998, OHCHR and UNDP signed a memorandum of understanding, as a framework for cooperation between the two institutions. While covering the entire area of interaction between human rights and sustainable development, the first phase of the follow-up focussed on the elaboration of guidelines on human rights issues for Resident Coordinators; the preparation of a draft handbook on human rights for United Nations staff; the consideration of a draft training package for United Nations Professionals, United Nations Volunteers and Junior Professional Officers; the elaboration of human rights guidelines for UNDP programming; and the preparation of a joint funding strategy. The provision of training in Geneva to a UNDP/Bulgaria staff member on human rights issues, particularly on the right to development, and the subsequent monitoring of similar training of UNDP staff on site, are practical examples of the implementation of the Memorandum of Understanding.

8. During the Oslo Symposium, OHCHR organized an informal consultation between the independent expert on the right to development, the Special Rapporteur on foreign debt, and the independent expert on extreme poverty, given the inter-relatedness of their mandates. With a view to enhancing coordination in the implementation of their mandates, OHCHR convened a meeting on 14 December 1998 for those experts and the Special Rapporteur on the right to education and the independent expert on structural adjustment policies. (See the reports of the Special Rapporteur on foreign debt (E/CN.4/1999/47; the independent expert on extreme poverty (E/CN.4/1999/48) and the Special Rapporteur on the right to education (E/CN.4/1999/49).

II. IMPLEMENTATION OF RESOLUTIONS OF THE COMMISSION ON HUMAN RIGHTS AND THE GENERAL ASSEMBLY ON THE RIGHT TO DEVELOPMENT

9. In its resolution 1998/72, the Commission on Human Rights requested the Chairman of its fifty-fourth session to appoint an independent expert with high competence in the field of the right to development, with a mandate to present to an open-ended working group at each of its sessions a study of the current state of progress in the implementation of the right to development as a basis for a focused discussion, with the substantive support of the Office of the High Commissioner. The working group will hold its first session in June 1999. In August 1998, the Chairman of the fifty-fourth session of the Commission appointed Mr. Arjun Sengupta (India) as independent expert. The annex to the present report contains the provisional work programme and the related budgetary requirements submitted by the independent expert.

10. The independent expert has established working contacts with OHCHR and the holders of other relevant mandates. At the Oslo Symposium, he had the opportunity to exchange views on the issue with some of the world's leading specialists in this field.

11. The High Commissioner reported to the General Assembly at its fifty-third session on a number of activities reflecting the status of implementation of resolution 1998/72 on the right to development (Report of the United Nations High Commissioner for Human Rights, General Assembly Official Records, Fifty-third session, Supplement No. 36 (A/53/36)).

12. Pursuant to Commission decision 1997/103, Mr. Ismail-Sabri Abdalla (Egypt) was appointed as independent expert on structural adjustment policies in 1997. Due to circumstances beyond his control, Mr. Abdalla was unable to submit his report to the second session of the working group; consequently the working group did not meet in 1997. Mr. Abdalla resigned as independent expert in September 1998. The new independent expert on structural adjustment policies, Mr. Fantu Cheru (United States of America), was appointed on 9 December 1998 by the Chairman of the fifty-fourth session of the Commission. He will submit an interim report (E/CN.4/1999/51) for consideration by the working group on structural adjustment programmes, which will meet in Geneva from 1 to 5 March 1999. The report of the working group will be submitted to the Commission on Human Rights (E/CN.4/1999/50).

III. INTERAGENCY COORDINATION WITHIN THE UNITED NATIONS SYSTEM FOR THE IMPLEMENTATION OF RELEVANT RESOLUTIONS OF THE COMMISSION

13. At its substantive session held in New York in July 1998, the Economic and Social Council adopted agreed conclusions 1998/2 on the coordination of policies and activities of the specialized agencies and other bodies of the United Nations system related to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action (A/53/3, chap. VI).

14. 1998 marked a turning point in the process of strengthening the United Nations system-wide approach to human rights. The implementation of the right to development has opened avenues for improved interagency cooperation and coordination; the UNDP policy paper and the policy document by the World Bank entitled "Development and human rights: the role of the World Bank", both issued in 1998, mark new approaches to human rights and development. Other developmental agencies and programmes are now including human rights components in their policies. OHCHR will continue to encourage this trend. There are ongoing contacts between OHCHR and the International Monetary Fund (IMF) and OHCHR has made preliminary contacts with the World Trade Organization (WTO).

15. On 2 May 1998, OHCHR held an informal consultation on the right to development with the United Nations Conference on Trade and Development (UNCTAD), which was also attended by representatives of the United Nations Institute for Research and Development (UNRISD), UNDP, and the International Labour Office (ILO), as well as representatives of the diplomatic, academic, and NGO community. At a follow-up meeting held on 15 May 1998, staff of OHCHR and UNCTAD and the Chairman of the Committee on Economic, Social and Cultural Rights discussed ways of integrating human rights into United Nations activities.

16. In compliance with Objective 7.4 of the World Food Summit, OHCHR and the Food and Agriculture Organization of the United Nations jointly organized, in Rome on 17 and 18 November 1998, an expert consultation to facilitate the definition of the core content of the right to food and the operationalization

of such a right by the United Nations system. OHCHR will host a meeting of the Administrative Committee on Coordination (ACC) Sub-Committee on Nutrition in Geneva from 10 to 15 April 1999 on a human rights approach to food and nutrition and programming.

17. From 22 to 24 July 1998, the World Intellectual Property Organization (WIPO) organized a Round Table on Intellectual Property and Indigenous Peoples. As a contribution to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, OHCHR supported WIPO in planning and hosting a Panel Discussion on Intellectual Property Rights and Human Rights, which was held in Geneva on 9 November 1998.